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HRD11/5750

June 20, 2011

Marlene H. Dotch, Secretary  
Office of the Secretary, Federal Communications Commission  
(Filed electronically via Electronic Comment Filing System)

**Re: Federal Communications Commission Notice of Inquiry**  
**(CG Docket No. 11-41)**

Aloha e Ms. Dotch:

The Office of Hawaiian Affairs (OHA) is responding to the request for comments on Federal Communications Commission (FCC) Notice of Inquiry, CG Docket No. 11-41 (hereinafter, "NOI"), published in the Federal Register on April 5, 2011. The purpose of the NOI is to strengthen and expand communication services to Native Nations and their communities on Tribal lands. As part of the NOI, the FCC recognizes the need to include Hawaiian Home Lands within the scope of the planned actions.<sup>1</sup>

As background for this response, OHA is a quasi-independent state agency, established under the constitution and laws of the state of Hawaii.<sup>2</sup> The statutory mandates for OHA include the following requirements: "[t]o advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians"<sup>3</sup> and "[a]ssessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians."<sup>4</sup>

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<sup>1</sup> CC Notice of Intent, CG Docket No. 11-41, at 2 n.2 (2011).

<sup>2</sup> Haw. Const. art. XII, § 5, Haw. Rev. Stat. §§ 10-1 to -16.

<sup>3</sup> Haw. Rev. Stat. § 10-6(a)(4)).

<sup>4</sup> Id. § 10-3(4).

### **Native Nations Priority and Native Nations Broadband Fund**

Due to the overlapping definitions of the beneficiaries served by our respective agencies,<sup>5</sup> OHA fully supports the efforts of the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL) to increase telecommunications connectivity for Hawaiian Home Lands. As the managers of Hawaiian Home Lands, the specific needs of these areas are best identified and addressed by HHC and DHHL. In contrast to DHHL, OHA is an advocacy agency that does not actively manage residential lands for Native Hawaiians.<sup>6</sup>

Despite the different role of our agency from that of DHHL, OHA has also identified many of the same negative indicators in the Native Hawaiian community, as evinced through the adoption of several strategic priorities for our agency. As of 2009, OHA has focused its effort on six key areas: economic self sufficiency, health, education, culture, land & water, and governance.

Improved access to telecommunications for Native Hawaiians will undoubtedly lead to improvement in most, if not all, of these strategic priorities and further the mission of our agency. For example, OHA recently launched the Papakilo Database ([papakilodatabase.com](http://papakilodatabase.com)), an online collection of data about historically and culturally significant places, events, and documents from Hawai'i's history. In addition to empowering our beneficiaries with useful information, many of these resources are drafted in the Hawaiian language, thus providing a critical link to our cultural past. The Papakilo Database, along with a myriad of other resources now found on the internet, will prove to be an invaluable resource, particularly for our rural communities. However, the usefulness of these resources depend on our beneficiaries' access to fast and reliable broadband access.

### **Defining Tribal Lands**

Although Hawaiian Home Lands should certainly be included within a broad definition of Tribal lands, OHA suggests that the FCC be mindful that the approximately 37,800 Native Hawaiians currently residing on Hawaiian Home Lands represent only a portion of the total of approximately 260,000 Native Hawaiians currently residing in Hawai'i. Accordingly, the FCC

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<sup>5</sup> As provided by State of Hawai'i law, the purpose of OHA is to provide for the betterment of native Hawaiians and Hawaiians. Id. § 10-3 (1), (2). "Native Hawaiian" is defined as:

any descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778, as defined by the Hawaiian Homes Commission Act, 1920, as amended; provided that the term identically refers to the descendants of such blood quantum of such aboriginal peoples which exercised sovereignty and subsisted in the Hawaiian Islands in 1778 and which peoples thereafter continued to reside in Hawai'i.

Id. § 10-2. "Hawaiian" is defined as "any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawai'i. Id.

<sup>6</sup> The limited number of commercial and conservation properties managed by OHA are within purview of the Land Management Division under the Resource Management Line of Business at OHA.

should also allocate resources to areas in Hawai'i that feature high concentrations of Native Hawaiians who are not located on Hawaiian Home Lands.

**Cultural Preservation and Section 106 of the National Historic Preservation Act**

Despite the positive impacts that this initiative will likely have on telecommunications access for our beneficiaries, OHA recognizes the potential for adverse impacts to cultural sites from construction projects that facilitate expanded communications access. Thus, we recognize the commitment made by the FCC to comply with the applicable federal cultural and environmental laws required for this undertaking. OHA looks forward to the opportunity to review these documents when the FCC submits its proposals for state agency review.

**Conclusion**

In summary, OHA commends the FCC for its outreach to native communities and looks forward to future opportunity to strengthen its relationships with the FCC. We would again like to restate our support for the efforts of the HHC and DHHL as they seek to increase telecommunications support for Hawaiian Home Lands. We also request to be included in further discussions related to the expansion of telecommunication services in Hawai'i.

Thank you for the opportunity to comment. Should you have any questions, please contact me or have your staff contact Everett Ohta at 594-0231 or by email at everetto@oha.org.

‘O wau iho nō me ka‘oia‘i‘o,



Clyde W. Nāmu‘o  
Chief Executive Officer

c: Rod Flowers, Office of Native Affairs and Policy, FCC (*courtesy copy*)  
Colette Y. Machado, OHA Chairperson